

MINUTES
HAMILTON COUNTY BOARD OF COMMISSIONERS
JULY 27, 2008
Commissioners Courtroom
One Hamilton County Square
Noblesville, Indiana

The Hamilton County Board of Commissioners met on July 27, 2009 at 12:15 p.m. in Executive Session in Conference Room 1A in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. President Holt called the public session to order at 1:25 p.m. declaring a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. Holt led the Pledge of Allegiance.

Approval of Minutes

Dillinger moved to approve the minutes of June 22, 2009. Altman seconded. Motion carried unanimously.

Dillinger moved to approve the minutes of July 13, 2009. Altman seconded. Motion carried unanimously.

Executive Session Memoranda

Dillinger moved to approve the Executive Session Memoranda of July 27, 2009. Altman seconded. Motion carried unanimously.

PLAT APPROVAL

Maple Leaf Country Estates

Dillinger moved to approve the Secondary Plat for Maple Leaf Country Estates. Altman seconded. Motion carried unanimously.

HIGHWAY BUSINESS

146th Street Road Cut Appeal – Kite Realty

Mr. Jim Neal reported Kite Realty has requested their appeal for a road cut on 146th Street be tabled; they are still talking with the homeowners association. Altman moved to table. Dillinger seconded. Motion carried unanimously.

Private Traffic Control Permits

Grace Community Church

Neal requested approval of a Private Traffic Control Permit, TRFCO 2009-001, for Grace Community Church of Hamilton County, Inc. at 5504 E. 146th Street. This will allow them to have traffic control on Saturdays from 4:00 p.m. to 8:00 p.m. and Sundays from 8:30 a.m. to 12:45 p.m. Altman moved to approve. Dillinger seconded. Altman stated it is disturbing when private traffic control stops an entire line of traffic for one or two vehicles, Altman requested a restriction in all of the Permits issued that they do not disturb traffic unless they have a queue of a reasonable number of vehicles or the person has been sitting in line for a specific period of time. Neal recommended the amount of vehicles in a queue be set by the number of vehicles that can line up in the left turn lanes for traffic coming off of 146th Street. Altman would like the restrictions to state the Commissioners can amend the restrictions as they proceed. Dillinger asked if all of the qualifications that they have to be off-duty police officers? Neal stated yes. Dillinger asked if it is Hamilton County or any off-duty police? Neal stated any off-duty police. Motion carried unanimously.

Cool Creek Village, LLC

Neal requested approval of a Private Traffic Control Permit, TRFCO 2009-002, for Cool Creek Village, LLC at 2750 E. 146th Street 1900' West of Carey Road. The hours of traffic control will be Monday thru Friday 4:30 p.m. to 7:00 p.m. Neal will include the additional conditions as requested by Commissioner Altman. Dillinger moved to approve. Altman seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit – Highway Department

Altman moved to accept Bonds and Letters of Credit for the highway department. Dillinger seconded. Motion carried unanimously.

- HCHD #B-09-0021 – West Bend Insurance Company License and Permit Bond #0812087 issued on behalf of Burtner Electric, Inc. in the sum of \$5,000 for electrical. Bond to expire January 16, 2011.
- HCHD #B-09-0022 – Auto-Owners Insurance Surety Bond #215036 issued on behalf of Miller Surveying, Inc. in the sum of \$2,500 for Maple Leaf Country Estates. Bond to expire July 16, 2010.
- HCHD #B-09-0023 – Travelers Casualty and Surety Company of America Payment Bond #105185917 in the sum of \$6,784,301.69 for Bridge No. 469 construction. Bond will expire June 1, 2010.
- HCHD #B-09-0024 – Travelers Casualty and Surety Company of America Performance Bond #105185917 in the sum of \$6,784,301.69 for Bridge No. 469 construction. Bond will expire June 1, 2010.
- HCHD #B-09-0025 – Continental Casualty Company Performance Bond #929483823 in the sum of \$323,438.93 for Contract 09-3. Bond will expire June 1, 2010.

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Release of Bonds/Letters of Credit – Highway Department

Dillinger moved to release Bonds and Letters of Credit for the highway department. Altman seconded. Motion carried unanimously.

- HCHD #B-08-0030 – Safeguard Insurance Company Subdivision Bond #5034217 issued on behalf of Platinum Properties, LLC for Heather Knoll, Section 3 entrance construction on 146th Street.
- HCHD #B-08-0035 – Liberty Mutual Insurance Company Performance Bond #014048248 issued on behalf of Drees Premier Homes, Inc. for 146th Street right of way improvements in Stafford Place Subdivision.

AGREEMENTS/SUPPLEMENTS

Insurance Limits

Altman asked Mike Howard to review the insurance limits on all contracts, including construction contracts.

Small Structure No. 32081 Engineering Agreement

Altman moved to approve Engineering Agreement, HCHD #E-09-0005, with Bernardin, Lochmueller and Associates, Inc. for replacement of Small Structure No. 32081, Scherer Avenue over Scherer Drain. The not to exceed amount is \$71,600.00. Construction estimate is \$500,000. Dillinger seconded. Motion carried unanimously.

Olio Road Project Utility Agreement

Dillinger moved to approve a Utility Agreement, HCHD #M-09-0030, with Vectren Energy for relocating services on the Olio Road Project. Altman seconded. Motion carried unanimously.

REQUEST TO ADVERTISE

Bridge No. 276, 96th Street over Behner Brook

Altman moved to approve advertisement for the Rehabilitation of Bridge No. 276, 96th Street over Behner Brook in Delaware Township. Bids will be opened at 1:00 p.m. on August 24, 2009. Dillinger seconded. Motion carried unanimously.

RIGHT OF WAY CERTIFICATION LETTERS

Homeplace Bike/Pedestrian Facilities Project

146th Street Bike/Pedestrian Facilities Project

Altman moved to execute the Right-of-Way Certification Letters to INDOT (Indiana Department of Transportation) regarding two projects as part of the submittal for funding from the American Recovery and Reinvestment Act (ARRA). Dillinger seconded. Motion carried unanimously. The projects are:

- Homeplace Bike/Pedestrian Facility Project 106th Street from Pennsylvania Street to Westfield Boulevard and College Avenue from Pennsylvania Parkway to 105th Street.
- 146th Street Bike/Pedestrian Facilities Project from Cherry Tree Road to River Road.

PROJECT AWARD

Small Structure #12001, 106th Street over Cheeney Creek

Neal stated quotes were taken and opened for the widening of Small Structure #12001, 106th Street over Cheeney Creek in Delaware Township. Quotes were received from:

- Duncan Robertson Incorporated - \$68,653.80
- George R. Harvey & Sons - \$75,413.90
- HIS Constructors - \$86,760.00
- Hoosier Pride Excavating, Inc. - \$67,326.58
- Trisler Construction Company, Inc. - \$56,800.46

Neal recommended the project be awarded to Trisler Construction Company, Inc. in the amount of \$56,800.46. Altman moved to approve. Dillinger seconded. Motion carried unanimously.

ROAD CLOSURE REQUEST

106th Street Between Hague Road and Lantern Road

Neal requested permission to close 106th Street between Hague Road and Lantern Road for a period of 21 calendar days for widening of Small Structure #12001 to begin on or after July 28, 2009. Mr. Brad Davis reported there are incentives in the contract to have the structure opened by August 12, 2009 before school starts. The Commissioners asked if the road could be closed after August 3, 2009 due to the Taste of Fishers scheduled for August 1, 2009. Davis reported there are 12 school buses that use 106th Street. Altman moved to approve the closure to begin on or after August 2, 2009. Dillinger seconded. Motion carried unanimously.

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MONON TRAIL

Request for Financial Assistance Letters

Mr. Brad Davis requested approval and signature on letters to Mr. Douglas Callahan, Clay Township Trustee and Mr. David Gill, Washington Township Trustee requesting financial support on the Monon Trail extension. Dillinger moved to approve. Altman seconded. Motion carried unanimously.

FALL CREEK BRIDGE

Renaming of Fall Creek Bridge

Davis stated he has received a request from Tom Britt, publisher of the Geist Newsletter, requesting the Fall Creek Bridge be named the Rosenberg Bridge. The Commissioners took the request under advisement.

ROADSIDE CLEAN-UP

Roadside Clean-up

Holt asked Brad Davis to discuss a countywide roadside clean-up at his quarterly meetings with the municipalities' street superintendents. The Solid Waste Board would fund the cost of the trash bags. Holt asked Davis to discuss this with Jeff Rushforth, HHW (Household Hazardous Waste Director).

206th STREET

206th Street

Altman moved to approve the north alignment on 206th Street. Dillinger seconded. Motion carried unanimously.

ORDINANCE 07-27-09-A, IRVING MATERIALS REZONE

Ordinance 07-27-09-A, Irving Materials Rezone Petition

Mr. Chuck Kiphart stated Irving Materials(IMI) is requesting a rezone ±192.23 acres from a A-2(S), Floodplain District to M-3, Mineral Extraction and Processing. The real estate is located at 18005-17808-17709 Pennington Road and 17209-17292 Middletown Avenue and 13002 SR 38 East, Noblesville, Indiana in Wayne Township. Kiphart reported the Hamilton County Plan Commission held a public hearing on July 9, 2009 with the first motion was a tie 3-3. The second motion was 6-0 to send it to the County Commissioners with no recommendation.

Mr. Tim Ochs, Ice Miller, representing Irving Materials, Inc. stated according to the Indiana Mining Aggregate Association approximately 31,000 pounds of aggregate per year is needed per resident in Indiana. Approximately 400 tons of aggregate is needed for the average home constructed in Indiana. In one mile of two-lane concrete highway 7,205 tons of aggregate are needed, if it is asphalt it is 10,300 tons is needed. Aggregate is a necessary commodity for any community and if we don't have a ready supply of aggregate the cost goes up for everyone, private and government not to mention the costs associated with the increased traffic on the roadway system if the material is trucked in from further away. The question becomes where we extract the aggregate from, the ideal situation is being presented by expanding an existing facility. The existing operation has been at this site for over 60 years. We are not putting a new aggregate operation where one does not exist. IMI has tried its best to notify everyone at this location it is there and what its future plans are. Parcel 1 was acquired in 1996 and in 1998 was mounded and 4' x 8' signs were installed letting everyone know who owned the property. IMI has held several meetings with the neighbors to inform them of their plans. As a result of those meetings a list of commitments was drafted, which are attached to the zoning ordinance. Ochs stated IMI does not intend to change their access points for trucks that are entering and exiting the site with material. Currently the access points are on SR 38. The first area mined will be further away from the homes on SR 38 and Pennington Road. It will take approximately 10 to 20 years to mine the initial area. As that is completed they will extend northward on the site and leave Parcel 1 until they are complete.

Commitments:

1. Owner shall not operate a concrete plant or asphalt plant on Parcel 1.
2. No equipment will be operated on Parcel 1 that is not necessary for the extraction and transportation of aggregate and mineral resources. The only thing occurring on Parcel 1 will be the actual extraction of the aggregate. Altman asked what kind of blasting are they anticipating? Ochs stated this is a stone quarry, in order to extract they will have to blast. The blasting is regulated, a licensed individual is required to design, set-up and put the blasting in place. They are required to keep the records on site and they are available to anyone who wants to look at them at any time. Altman asked what would the blasting schedule be? Mr. Doug Layman, from IMI, stated in 2008 they made 18 blasts. Depending on the market is how many times they blast. Altman asked if there are any commitments within this document that blasting will be at times that will cause the least amount of disturbance from noise or vibration? Layman stated no. Altman asked if there is a cloud cover it will hold down and have an affect on the neighboring properties? Layman stated he is not qualified to answer that, they do have seismographs that monitor every shot. They operate three, they are only required to operate one. Those are looked at by an outside vibration company. Ochs stated it is the company's policy that blasting would only occur between 8:00 a.m. to 5:00 p.m. on weekdays. Altman asked that the times be added to the commitments. Ochs stated any surrounding property owner that would like to be notified ahead of time will be contacted and they will let them know approximately what time the blast will occur. Ochs stated they will add this to the commitments.

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3. If IMI does anything that causes a well to run dry or not operate correctly it will fix the problem. Not all well failures are a result of IMI's operations but to the extent that they are IMI will fix those. IMI has monitoring wells at this facility and they maintain records of all of these wells. IMI will keep maintaining those wells and anyone that wants to look at those logs is welcome to. If the wells reflect a drop in water then IMI will have to fix the problem. Altman stated her concern is (ii) and failure of the well was caused by the lowering of ground water..., what do the homeowners have to do to prove that the de-watering was the cause of the failure? Ochs stated under an existing statute DNR is required to respond to a resident's call within 48 hours to investigate the issue and make a determination of the cause of the issue. If it is an IMI problem they are required to fix the problem. Altman would like the standard listed in the commitments.
4. IMI is subject to compliance with all applicable federal, state and local laws and regulations regarding reduction of noise during mining or extraction operations. Instead of back-up beeping they are allowed to have strobe lights under certain conditions. Due to screening and the depth of the pit the surrounding neighbors should not have to hear the noise. They will take all reasonable action that they can to reduce the noise at this location. Altman asked if their intent is to run 24 hours at this site? Ochs stated no, they have never run 24 hours at this site. Altman stated this implies that they would. Ochs stated the intent is not increase the intensity of operations, this is an increase of inventory and the amount of aggregate removed and sold will not change from what is in place now. Layman stated traditionally they are operating one eight hour shift beginning at 7:00 a.m. with a couple of employees staying over certain days of the week that are working until 7:00 p.m. The most they have worked has been around the clock and it was for less than two weeks. It is based on the economic demands and usually is for government contracts for highway projects with night construction. Altman asked if there is any zoning restriction within the class? Mr. Kiphart indicated no.
5. Mining operations would begin in the initial mining area; once that area is depleted they would move north, including Parcel 1. This will add 35 to 50 years of additional life for this quarry.
6. IMI will install site barriers along the entire perimeter of the real estate that is being rezoned. The barriers would be built at a 3 to 1 slope at 8' in height, 20' wide. In addition all of the barriers will be seeded and trees will be installed (evergreens and deciduous trees at least 6' tall and no more than 30' apart).
7. No permanent vehicular access points or drives from State Road 32 or Pennington Road to Parcel 1 shall be constructed or used by the Owner. Vehicles may directly access Parcel 1 in case of an emergency or for the purpose of maintenance of landscaping and the visual barrier or to repair damage to drainage tiles.
8. IMI will promptly repair or replace damage drainage tile located on this Real Estate as soon as they have knowledge of the damage.
9. No mining or extraction will occur within 150' of the proposed right-of-way of Pennington Road or State Road 32 on Parcel 1 or within 100' of the proposed right-of-way of Pennington Road or State Road 32 on the remaining real estate. This is triple what the ordinance requires. Altman asked if IMI is donating right-of-way as part of the rezone? Ochs stated yes, they will be dedicating all thoroughfare right-of-way. Ochs stated that request was made of them this morning and it will be included in the commitments.
10. No equipment will be used on Parcel 1 that extends to an elevation that is more than thirty (30) feet above the elevation of the intersection of the centerlines of State Road 32 and Pennington Roads except for equipment used to construct mounds or remove overburden.
11. IMI will promptly repair or replace damage to tombstones, headstones or other grave markers caused by its operations within Stoney Creek, Bethel, Stern or Finch Cemeteries. Altman asked if IMI will be proactive and if damage occurs and take such actions to reinforce existing tombstones, headstones or grave markers? Ochs stated yes.

Altman asked if IMI would be willing to dedicate the abandoned railroad along State Road 32? Nothing would be changed physically at this time but the ownership of the ex-railroad right-of-way would be dedicated to the county, subject to IMI maintaining it, etc. until it is needed. IMI indicated they would agree to do that up to the base or the foot of the mounding as it exists today. They do not know if the mounding is part of the right-of-way that was purchased by IMI and they do not want to commit to remove the mound. Holt confirmed that it would be for rail or trail? Howard stated yes. Howard will work with Ochs on the commitment language.

Altman stated she would like some commitment on time of operations. It implies that they can operate 24 hours a day if they so choose. Altman understands on occasion they will need to do but when you are moving from A2 to manufacturing that is a huge burden on adjoining. Altman doesn't mind if it is consistent with previous operations on site from a certain date back, that way it gives IMI flexibility if you have a federal contract and you have to run 24 hours. Holt does not agree. Howard stated if they use the strobes instead of the back-up tones. Altman stated she does not mind if they say they won't vary from existing traditional operations without future variance from this Board. We should have the option that if it becomes a problem we can do something about it. Howard stated the problem will be in the eye of the beholder and you have an ambiguous standard that opens the door to a recalcitrant neighbor. Ochs suggested when you say restrict hours of operations there are two different types of operations; 1) just the extraction of the aggregate and 2) the processing when trucks are coming on site and the crusher is working. Ochs asked Altman if there is a difference between those two? Altman wants consideration to the neighboring properties and she does not want to create bad relationships but there should be some reasonable standard. Holt stated he does not want that commitment and for them to negotiate with Altman on the commitments is fine if Dillinger or Holt don't have a position. Holt stated this will cause future planning commissions and Board of Commissioners problems. Holt does not support Altman's request. Dillinger asked if this does not happen now or rarely happens? Ochs stated it rarely happens now. Dillinger stated it only happens if they are under a contract with a deadline? Ochs stated right. Howard stated or

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night construction work; the public becomes the creator of the issue. Altman stated right now there is no standard in the zoning. Ochs stated there is no standard and they have not had one for 60 years. Dillinger asked what would be the recourse? Howard stated we let the market drive it, in other words there would be no processing at the site from 10:00 at night until 5:00 in the morning unless necessary to fulfill a contract. You would not want them deciding to work during the night shift rather than a day shift. Holt stated economics would drive that, it is more expensive to run at night. Ochs stated it is and they prefer to run during the day. Altman stated you could go in to conditions that a lot of communities are restricting mining; this may be the sole source for crushed limestone if Carmel continues to give IMI problems and what would drive a more intensive use of the site. Ochs stated they could state a limitation on just extraction where there would be no extraction from dusk to dawn (daylight extraction only) on Parcel 1 and within 500' of the proposed right-of-way of Pennington Road. Ochs stated the only exception to that would be when they must mine in order to meet a government contract. Dillinger stated he does not want to impede their operation but he does have a concern, as Commissioner Altman stated, that the residents have some recourse if it is being abused; he does not know how to address that in this. Howard stated sometimes the more objective the standard is better for the neighbors but it will be better for IMI because it becomes a shield rather than a sword. Dillinger asked if IMI is comfortable with the proposed standard? Ochs stated yes, we are. Altman stated she would prefer similar operations because everyone knows what it was, but this is fine. Altman stated are they telling me the extraction is the annoying part? Ochs stated all we are doing on Parcel 1 is extraction so if we are not extracting we can't do anything else. Dillinger asked if there is an appeal process we could include? Altman stated she would agree with Commissioner Holt and that would be the worst case scenario. Howard stated he thinks this is a fairly objective definable standard. Dillinger stated if this meets what everyone wants he will go along with it. Holt stated he wants no standard so if Altman and Dillinger are in agreement that is fine.

Altman stated Parcels 2b and 3 are on the maps but she did not see what they are going to do with those parcels. Ochs stated there is a hole in the center of what IMI owns, that parcel (approximately 20 acres) is owned by Duke Energy. and they have informed IMI they intend to build a large electrical substation on this parcel. Parcel 2b is appropriate for mining operations. Altman stated landscaping mounds, etc. have not been addressed, are they asking for that to change zoning jurisdiction from A2 to M3 with this request? Ochs stated by the time they get to Parcel 3, which is along State Road 38, it may be too valuable to do surface mining and you would not see anything visible from State Road 38. They would agree to a commitment that prior to commencing mining operations on Parcels 2b and 3 they would work with Mr. Kiphart or come back before this Board and provide them with plans on how that will work. Howard asked if Parcels 2b and 3 are covered by the rezone ordinance? Ochs stated yes. Altman stated there are no restrictions, no covenants, nothing on these parcels. Howard stated the mounding issue is for everything. Ochs stated they would be happy to extend the mounding to anything that they mine. Howard asked if all of the commitments would be extended to every parcel affected? Ochs stated yes, they will make sure it is written that way in the commitments and it clear. Howard stated the commitments will affect all real estate as described in Exhibit A? Ochs stated yes. The commitments will affect Exhibit A but they have different commitments that apply to different parcels. Ochs stated they would make the commitments apply, the commitments discussed in terms of mounding, the commitments we discussed in terms of blasting and things like that would all apply. There are certain commitments that apply only to Parcel 1 and would continue to apply only to Parcel 1. Anything of general applicability would apply to Parcels 2b and 3 as well.

Holt asked Brad Davis if the highway staff has had a discussion on the alignment of Middletown Road and coming from Exit 4 and where the county wants to go? At the first plan commission meeting there was a discussion with IMI regarding road alignment, has the highway department looked at this at all? Davis stated no. Holt asked if this is on the radar for the Boden Road extension? Davis stated for Olio road, possibly. Holt stated now is the time to be talking about it. Howard stated then they will have to start at the beginning. Ochs stated the only thing he can say about some type of road extension whether Olio or Mystic or something else is that IMI believes it has always been a good corporate citizen and when the time should arise where plans are far enough advanced to have those discussions IMI would be more than happy to sit down with representatives of the County and figure out what is best for the area. Altman asked if Parcel 2b is under contract? Ochs stated yes, they are in title. Holt stated last year there was a discussion of alignments; did we let a contract to a consulting engineer on that? Neal stated yes, Beam, Longest and Neff; they are investigating the Olio Road alignment but we don't have a conclusion from that. They anticipate a report sometime in the late Fall or early Winter. Holt asked if Middletown Avenue plays into that? Neal stated there are three (3) broadband corridors in the study, at this point he does not know. Holt asked if Middletown Avenue is included in any of the proposals? Mr. Joel Thurman stated they did not get specific at this point, they are looking at three (3) broadband corridors and Middletown Avenue is within one of those corridors. Dillinger stated whatever improvements in roads out there would benefit IMI. Holt stated the original question was the rumor that IMI would be asking to vacate Middletown. Ochs stated at this point in time they have no plans to close Middletown Avenue, if it ever did occur he would suspect the County would approve that if there was an alternative north-south corridor and in order to get Middletown vacated he is sure that would be a condition of that approval. Holt stated what if that was the corridor, what would IMI's position be? Ochs stated if it is the corridor that is fine and they will work with that. One of the problems is we don't have any definitive plans, the notion of a north-south corridor in this area that is improved is necessary but the actual location and what size it takes nobody knows. IMI is willing to work with whatever the county thinks is best but at this point in time it is hard to respond to something that is not concrete. Davis stated there is a possibility that the study could show that part of Parcel 1 could be intercepted by an Olio Road expansion. That is a primary arterial and he understands they are dedicating right-of-way on Pennington. Ochs stated they are dedicating the right-of-way on Middletown pursuant to the thoroughfare plan. Holt asked if there is a consensus of the highway staff that the current dedication covers whatever any study would, if it did? Neal and Davis stated yes. Altman asked if this

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went to TAC (Technical Advisory Committee)? Ochs stated yes. Mr. Gordon Byers stated it went to TAC and they talked about the 150 feet and INDOT also was at TAC and approved their cuts. We are giving 150 feet all the way from State Road 32 to State Road 38 and we think it fits in your plan if additional right-of-way is needed IMI is willing to talk and relocate it.

Mr. Larry Shook, 17888 Pennington Road, stated he is opposed to the rezone and said this will kill his property value. They live right across the street. They say the quarry is already there but is across a tree line and a few corn fields; he can not physically see it. He will be able to if it is right across the street. Mr. Leerkamp stated at the last meeting (Hamilton County Plan Commission) that eight (8) houses within a quarter mile is an urbanized area and there are at least 17 houses from Pennington Road to 179th Street that are within a quarter mile of that. The noise will be horrible; IMI is going to tear down all of the woods and trees eventually. They don't know how fast it will go. What if they can't find limestone in their initial mining area and they want to move faster. It will be a nuisance for them to be directly across the road from his house. He does not know if anybody would want it directly across the street. The blasting now rattles his house and they are far away, as they get closer he is not sure how long his house would last with the blasting. They have not been horrible neighbors and they are far enough away except for the blasting, which you do hear. You will hear the back-up beepers at night and when the dump truck dumps and they are quite far away. If it is right across from his house he can only imagine the noise, it will be dusty. He asked the Commissioners to think about this. He does not think anyone would want it directly across the street from their house. They say the quarry is there but it is not visible from his house. He is against this; he lives right where Parcel 1 and 2 meet on the southeast corner of 179th and Pennington Road.

Dillinger moved to approve Ordinance 07-27-09-A with the conditions as modified. Altman seconded. Motion carried unanimously.

[2:44]

Altman moved to amend the agenda to allow the township assistance appeal to be heard now. Dillinger seconded. Motion carried unanimously.

NOBLESVILLE TOWNSHIP ASSISTANCE APPEAL

Dwiggins, Cheyanne – Noblesville Township Assistance Appeal

Ms. Cheyanne Dwiggins appealed the decision of the Noblesville Township Trustee denying her rent assistance. Dwiggins was terminated from her job following a dispute with her supervisor. Altman stated she does not recall assistance denied based on involuntary termination before.

Ms. Katie Stern, Noblesville Township Trustee's staff, stated she was denied due to involuntary termination from her job. Her roommate quit her job; it is in the Indiana Statute that they can refuse assistance due to those terms of voluntarily or involuntarily leaving employment. Holt stated they shot themselves in the foot in terms of unemployment by taking the position that they took which might go toward poor judgment on their part rather than whether they need help. Dillinger asked if they will not be entitled to unemployment because they quit? Holt stated exactly. Altman stated Cheyanne did not quit, she was not practicing the best employment skills while she was an employee and she was terminated.

Holt asked Dwiggins if she is drawing unemployment? Dwiggins stated the unemployment office is waiting for a letter from Meijer. Dillinger stated Ms. Stern is saying the law states if they are released from their position based on this then they are not eligible. Altman stated it is a determination of the Trustee's office if they voluntarily left employment, which is the issue. The Trustee has determined that these actions constituted voluntarily termination of employment by Cheyanne. Altman asked Dwiggins if her roommate has applied for assistance from the Trustee? Dwiggins stated no, she has moved. Holt asked if she has lost half of the rent. Dwiggins stated yes, the roommate quit Meijers due to some issues they were having with a couple of managers due to poor choices on their health and livelihood. They had discussed the issues several times with the Managers and went to the Labor Board. Dwiggins stated she was let go because she had an argument with the Manager about his harassing her all of the time; she felt it was unfair that she was the only one asked what she doing. She talked with other employees and they told her they were never asked by this Manager what they were doing or why they were doing it, he left everyone else alone but her. She confronted him about that and he sent her home and that is why they fired her. Dwiggins did try to apologize and get her job back but they had decided to fire her regardless of what she had to say.

Altman asked Dwiggins if she knows she exercised extremely poor judgment in the words she used and the action she took? Dwiggins stated yes. As an employee you are expected to do certain things, you may not always agree with them but you expected to do them. Dwiggins stated yes.

Altman stated given all the circumstances Dwiggins has to have a place to reside, she did not quit, she used poor judgment. Dwiggins stated she is looking for jobs full time during the restricted time she has. Altman stated this will be temporary, this is just a one time shot. Altman moved to allow rent assistance for one month. Dillinger seconded. Motion carried unanimously.

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ORDINANCE 07-13-2009-A, AMENDING THE PERSONNEL POLICY

[2:54]

Ordinance 07-13-2009-A, An Ordinance Amending the Personnel Policy of Hamilton County, Indiana
Altman moved to approve ordinance 07-13-2009-A. Dillinger seconded. Motion carried unanimously.

WELLNESS EVENT

DJ Contract

Ms. Sheena Randall requested approval of the DJ Contract for the Wellness Event with Sound Spectrum Entertainment in the amount of \$380.00 for 3.5 hours beginning at 4:00 p.m. and ending at 7:30 p.m. Altman moved to approve as long as the contract is with Hamilton County Commissioners, not Hamilton County Parks Department. Dillinger seconded. Motion carried unanimously.

HEALTHY MERITS PROGRAM

Disease Management Program

Randall stated there is a pending discussion regarding the policy on a reward program for the Disease Management Healthy Merits Program through Meritain. This is relevant to our blood testing scheduled August 4, 5 and 20, 2009 and the online health risk assessment. Randall stated the Insurance Committee has discussed this. We are trying to promote all of the employees to participate in the blood draw and completing the health risk assessment. Riverview Hospital is willing to give vouchers so the employees can go to their outpatient laboratory to get the blood draws. The Sheriff's office has a program that monthly, based on the employees birthday, they receive blood panels and various testing. In looking at two different types of awards the highest recommendation was leaving employee deductions the same for employees who participated in getting the blood draw and finishing the health risk assessment. For employees who did not do both of those their rates would increase by \$10.00 per pay period. Secondly there are companies that offer a monetary award to employees that participate. Holt asked if Howard has seen this proposal? Howard stated no. Altman moved to table until all of the aspects are approved. It may mean we will need to set up another blood draw date dependent on our actions. Altman is not in support of doing a holiday on payments, she is personally in support of everyone being accountable for their own lifestyle and if it costs more to the taxpayer because of their lifestyle they can pay it, not the taxpayer. Randall stated it is imperative the employees participate in the health risk assessment. That data is housed at the nursing station at Meritain and then they pursue anybody that has a chronic condition to help them in making changes in their lifestyle. Dillinger seconded. Motion carried unanimously.

DILAPIDATED HOUSE

Dilapidated House – 954 East 108th Street

Mr. Chuck Kiphart stated a Notice of Order was sent to Mr. Robert D. Schaefer, the owner of the home at 954 East 108th Street on June 2, 2009. Mr. Schaefer has removed all of the carpeting from the front of the house, the rubbish has been removed and a piece of plywood has been securely nailed over the door on the addition to the house. The property owner has complied with our request. The grass has been mowed but weeds need to be cut down. Kiphart recommended the matter be dismissed. Mr. Schaefer stated he will take care of the weeds. Altman asked if he can get the addition done? Schaefer stated it is a covered porch, the contractor has walked off the job. Altman asked if Schaefer has a permit for the addition? Schaefer stated a permit has not been pulled. Altman asked Kiphart to check with the City of Carmel regarding the permit.

Home Place Survey

Kiphart reported he has completed his survey of Home Place. He has spoken with Doug Callahan, Clay Township Trustee, to exchange information on all of the active issues in Home Place and they will be working together on trying to get them resolved.

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COUNTY ASSESSOR – OFFICE SPACE

County Assessor's Office Space

Dillinger met with Debbie Folkerts, John Barbee and Darren Murphy to visit the Fall Creek Township, Delaware Township, Washington Township offices and the current Health Department and the Probation Department to determine what was the most prudent thing to do regarding the relocation of Assessor's township staffs. The Committee's recommendations are:

Plan A:

- Consolidate Fall Creek into Delaware
- Consolidate Washington and Noblesville into existing Health Department
- Probation would use the north conference area space
- Net Annual Cost Savings of \$149,768
- Onetime cost (move and minor remodel) \$60,000 estimate

Plan B:

- Consolidate Fall Creek into Delaware
- Consolidate Noblesville into existing Health Department (north side)
- Probation would use the south side of the existing Health Department space
- Net Annual Cost Savings of \$66,767
- Onetime cost (move and minor remodel) \$52,000 estimate

Barbee reported the Delaware Township Trustee has not presented a written proposal but has requested a rate increase on the entire space from \$12.00 per square foot to \$18.00 per square foot. Dillinger stated this new rate will need to be negotiated due to the amount of the increase. Part of their justification for the increase is more people are being placed in the office space; there are common facilities for janitorial services, bathrooms, break rooms, and everything that is shared. Dillinger stated another option is to look at other leased space in Delaware Township. Dillinger stated with the additional space at Delaware makes a nice complex for Delaware and Fall Creek Township with room for expansion if needed. The owner of the Washington Township building is willing to make us an offer. Their space is drastically over sized. No matter what kind of deal he would make us it would not make sense to not move Washington Township to the Judicial Center. This will facilitate what Debbie Folkerts needs; it will give the Probation Department additional room, and will save the county \$150,000. There is not much remodeling needed and this could be done rather quickly. In light of the letter received by Terry Michaels, Fall Creek Township Trustee; we need to make a decision today. Dillinger recommended Plan A. Altman so moved. Dillinger seconded. Holt asked on Plan A, does that space cover the current needs of the Probation Department? Barbee stated it will not solve any major problems for Probation but it does give them breathing room and space for them to utilize and make more room in their existing office space. This space is not all walled offices, but they currently have a meeting area in a stairwell and the space in the Health Department would allow them to have a meeting area along with three walled offices they could use for their staff. Holt asked if there are currently people in the Probation Department that do not have an office? Barbee stated yes, there are approximately six (6) cubicles in the hallways. Plan B is more conducive to the Probation Department; they would get more walled offices and another reception area. Dillinger stated utilizing stairwells for storage and giving them this extra space will buy us time until we decide what we want to do. Barbee stated he has spoken with Madonna Wagner and she can use the space for meeting and training without having to take people off site, she does not want to turn the space down. Holt asked if paying the Westfield lease and going with Plan B has more merit? Dillinger stated it does not in his opinion. Barbee stated it depends on what offices are going to be put at that location. Howard asked if there is a way to cut down the space at Washington Township? Dillinger stated yes. Barbee stated their current location has the worst dedicated Internet facilities of all of the townships and they have forecasted if they keep that space they will spend almost \$30,000 per year to upgrade their Internet service. Motion carried unanimously.

Howard will send out the notices to the Lessors. Dillinger asked if Fall Creek can move out within 30 days? Dillinger asked Folkerts to contact him and he will help with the negotiation at Delaware. Fall Creek should be moved to Delaware in 30 days. Barbee stated Envoy has submitted a proposal of \$60,000 to help facilitate the moves and the minor remodeling needed. Barbee recommended requesting an additional appropriation of \$60,000. Altman so moved. Dillinger seconded. Motion carried unanimously.

ADMINISTRATIVE ASSISTANT

Cro-Knisters Request for Donation [3:19]

Ms. Wanda Beeler stated a group of Hamilton County employees are using their crochet and knitting skills to knit mittens to donate to needy causes. Good Samaritan gives away winter coats each year. Last year they gave away 6,973 coats to children in need. The Cro-Knisters would like to provide 1,200 pairs of mittens for this coat give away. Beeler requested a donation of \$1,500 to purchase enough yarn to make the mittens. Ms. Nancy Chance, Good Samaritan, stated they have begun taking coat donations at the Carmel United Methodist Church. Altman moved to approve. Dillinger seconded. Dillinger stated he is not sure this is an appropriate use of county funds. Altman asked if we could place this on the Intranet for donations from other employees? Dillinger stated he would support that. Altman recommended opening the Intranet to solicit donations and table this request for one month to make a decision. Altman

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personally pledged \$200 to purchase yarn so they can keep making mittens during the interim. Dillinger seconded the tabling motion. Motion carried unanimously.

Family Fun Day

Altman asked if anyone had notice of the Family Fun Day before Thursday of last week? Dillinger stated no. Major Bowen stated this is an annual event and there was a good turnout of over 1,200 people.

Flu Vaccine Orientation

Mr. Barry McNulty, Health Department Director, has requested a Commissioner attend one of the Flu Vaccine orientations. The orientations will be held in Wabash or French Lick. Altman stated she does not understand why one of the Commissioners needs to attend when employees from the health department will be in attendance. Altman stated their time would be better served by the health department employees reporting back to the Commissioners during an Executive Session.

AIC Conference

Swift has reserved hotel rooms for all three Commissioners for the AIC Annual Conference. Swift will register all three Commissioners for all three days.

Tabled Claims

Swift stated the Probation Department claim for meal reimbursement is for a lunch involving five (5) employees to discuss a probation kiosk. Dillinger stated he has spoken with Judge Felix about this claim and he feels it was appropriate for the county to pay for the meal. Altman stated if the employees are on the clock why we are buying their lunch on top of being compensated for their time. Holt moved to approve. Dillinger seconded. Dillinger and Holt approved. Altman abstained. Motion carried. Altman stated either we have a policy or we don't. Altman requested a notice be sent to everyone stating no more. Dillinger agreed. Holt asked Swift to prepare a memo and the Commissioners will review it next meeting.

Swift stated Susan Peterson, Purdue Extension, submitted a claim for meal reimbursement in the amount of \$43.00 during a retreat for staff. Holt moved to approve. Dillinger seconded. Dillinger and Holt approved. Altman abstained. Motion carried.

Swift stated the Sheriff's Department submitted a claim for replacement of shoes for Deputy Ireland. She was at a crime scene and stepped in bio-hazardous fluids. Holt moved to approve. Altman seconded. Deputy Horine stated Deputy Ireland was off-duty and called in; the shoes had to be disposed of. Motion carried unanimously.

Release of Retainage Escrow Letters

Swift requested approval of letters releasing retainage funds related to the Corrections Complex - Phase I construction project. Altman moved to approve. Dillinger seconded. Motion carried unanimously.

- Mars Telecommunications, LLC
- C&T Design and Equipment Company, Inc.
- MacDougall Pierce Construction, Inc.
- Performance Contracting, Inc.
- Poynter Sheet Metal
- Dalmatian, Inc.

T-Shirts for Wellness Event

Holt moved that the purchase of the T-shirts for the Wellness Event are non-taxable and meets the exception. Dillinger seconded. Motion carried unanimously.

ATTORNEY

Resolution 07-27-09, Assignment of Parcels for City of Westfield

Howard requested approval of Resolution 07-27-09, Resolution of the Board of Commissioners of Hamilton County, Indiana, Authorizing and Approving the Assignment of County Parcels to the City of Westfield, Indiana, for Purposes of Establishing the Westfield Grand Junction Economic Development Area. Howard stated under State law an annexation can not be in place one (1) year before a decennial census therefore it will not be effective until January 2, 2010 and Westfield is requesting the Commissioners, under the redevelopment statute, authorize the City of Westfield to include this in their TIF district. Dillinger moved to approve. Altman seconded. Motion carried unanimously.

SHERIFF

Grant Applications

Major Mark Bowen requested approval of grant applications from the Hamilton County Traffic Safety Partnership for the following grants: Aggressive Driving, DUI Task Force Indiana, and Big City/Big County Seat Belt Enforcement Program. Altman moved to approve. Dillinger seconded. Motion carried unanimously.

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AUDITOR

Capital Asset Notification Forms

Ms. Dawn Coverdale requested approval of Capital Asset Forms from the Coroner and Sheriff's Department. Altman moved to approve. Dillinger seconded. Motion carried unanimously.

Liability Trust Claim

Altman moved to approve a Liability Trust Claim payable to Aim Right, Inc. in the amount of \$203.75 for fire extinguisher training. Dillinger seconded. Motion carried unanimously.

Release of Bonds/Letters of Credit – Drainage Board

Altman moved to release Bonds and Letters of Credit for the drainage board. Dillinger seconded. Motion carried unanimously.

- HCDB-2007-00044 – Developers Surety and Indemnity Company Performance Bond No. 770176S for Lincolnshire Section 2 storm sewer improvements - \$116,808.00
- HCDB-2007-00045 – Developers Surety and Indemnity Company Performance Bond No. 770777S for Lincolnshire Section 2 subsurface drains - \$31,620.00.

Clerk's Monthly Report

Dillinger moved to approve the Clerk of the Circuit Court's Monthly Report dated June 30, 2009. Altman seconded. Motion carried unanimously.

Payroll Claims

Altman moved to approve the Payroll Claims for the period of June 29, 2009 to July 12, 2009 paid July 24, 2009. Dillinger seconded. Motion carried unanimously.

Vendor Claims

Altman moved to approve Vendor Claims to be paid July 28, 2009. Dillinger seconded. Motion carried unanimously.

Dillinger moved to adjourn. Altman seconded. Motion carried unanimously.

Commissioners Correspondence

Fishers Notification of Participation in Urban County Program

IDEM Notice of Receipt of Sewer Permit

Noblesville Senior LLC – Noblesville

IDEM Notice of Revocation

FEOSP for Firestone Industrial Products Company

IDEM Notice of Sewer Construction Permit Application

Bridge Building – Fishers

East Relief Sewer – Noblesville

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Present

Christine Altman, Commissioner
Steven C. Dillinger, Commissioner
Steven A. Holt, Commissioner
Dawn Coverdale, Auditor
Fred Swift, Administrative Assistant to Commissioners
Kim Rauch, Administrative Assistant to Auditor
Michael Howard, Attorney
Darren Murphy, Attorney
Mark Bowen, Sheriff's Department
Brad Davis, Highway Director
Jim Neal, County Highway Engineer
Joel Thurman, Highway Project Engineer
Brandi Wariner, Highway Public Service Representative
Dave Lucas, Highway Staff Engineer
Mark Fisher, Highway Project Engineer
Matt Knight, Highway Bridge Program Engineer
Faraz Khan, Highway Staff Engineer
Kathy Howard, Highway Department Administrative Manager
Bob Davis, Highway Superintendent
Patti Smith, Beam, Longest & Neff
Becki Wise-Kent, USI
Floyd Burroughs, Floyd Burroughs & Associates
Tim Ochs, IMI Rezoning
John Barbee, Envoy
Debbie Folkerts, Assessor
Chuck Kiphart, Plan Commission
Robert Schaefer, Dilapidated Home on 108th Street+
Sheena Randall, Human Resources Director
Cheyanne Dwiggin, Noblesville Township Assistance Appeal
Katie Stern, Noblesville Township Trustee's Office
Wanda Beeler, Cro-Knisters
Nancy Chance, Good Samaritan Network

APPROVED
HAMILTON COUNTY BOARD OF COMMISSIONERS

ATTEST

Dawn Coverdale, Auditor